

# HALL ESTILL

ATTORNEYS AT LAW

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CENTRAL FAX CENTER

OCT 14 2008

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FACSIMILE TRANSMITTAL

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DATE: October 14, 2008

CLIENT/MATTER: 820233.02310

TO: RECIPIENT

United States Patent and  
Trademark Office  
Mail Stop Petitions

FAX NUMBER

1-571-273-8300

VOICE NUMBER

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TOTAL NUMBER OF PAGES:

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- 1) Petition for Revival under 37 CFR 1.137(b)
- 2) PTO/SB/64
- 3) PTO/SB/22
- 4) PTO-2038
- 5) RCE filed May 8, 2008
- 6) RCE acknowledgement confirmation

**RECEIVED  
CENTRAL FAX CENTER****OCT 14 2008****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Edgar A. O'Rear, III, et al.  
Serial No. : 10/692,171  
Filing Date : October 23, 2003  
Title : METHOD FOR MAKING AN ARTICLE WATER  
RESISTANT AND ARTICLES MADE THEREFROM  
Group/Art Unit : 1794  
Examiner : AHMED, SHEEBA  
Confirmation No. : 8356  
Docket No. : 820233.02310

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT****ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper reply to a final office action mailed on January 10, 2008 by the United States Patent and Trademark Office (USPTO). The official date of abandonment is July 11, 2008 and the Notice of Abandonment was mailed by the USPTO on July 31, 2008.

OCT 14 2008

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

A grantable petition requires the following items:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

**REQUIREMENTS**

## 1. Reply and/or fee

[1] The reply to the above-noted Office action in the form of a Request for Continued Examination (RCE) has been filed previously on May 8<sup>th</sup> 2008 but is also filed herewith.

[2] The fee for a three month extension for the above-noted Office action is enclosed herewith.

## 2. Petition fee

Small entity-fee \$810.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

3. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(a) was unintentional. Applicant's attorney filed a Request for Continued Examination (RCE) in response to the final office action, mailed January 10, 2008, on May 8, 2008 but failed to submit the fee for a one month extension. On July 24, 2008, Applicant's attorney performed a status check using the Private Pair function of the USPTO's website ([www.uspto.gov](http://www.uspto.gov)) on all of Applicant's files. Applicant's attorney then discovered that a Notice Requesting Extension of Time Fee had been mailed by the USPTO on May 13, 2008 but never received by Applicant or Applicant's attorney. The first time Applicant's attorney became aware of the Notice Requesting Extension of Time Fee was on July 24, 2008, which was 13 days after July 11, 2008, the date the above mentioned application officially became abandoned.

Once Applicant's attorney became aware of the Notice Requesting Extension of Time Fee that was never received, Applicant's attorney contacted the Examiner by telephone to make them aware of the situation. Applicant's attorney and the Examiner determined that a Notice of Abandonment would have to be sent and a Petition for Revival of an Application for Patent Abandoned Unavoidably/Unintentionally Under 37 CFR 1.137(a)/(b) must be prepared and submitted to the USPTO by Applicant's attorney.

Applicant's attorney filed a Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a) on August 20, 2008. Applicant's attorney was made aware that the Petition for Revival of an Application for Patent Abandoned Unavoidably was dismissed in a Decision of Petition mailed on October 3, 2008.

Applicant and Applicant's attorney were never made aware that the one month extension fee had not been paid and thus, the RCE had not been considered. This allowed the application to unintentionally go abandoned due to the fact that Applicant's attorney was awaiting communication from the USPTO.

4. A terminal disclaimer is not required due to this utility application being filed on or after June 8, 1995.

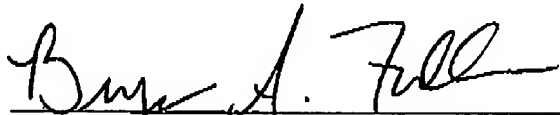
Filed herewith are:

- [1] Fee payment for petition fee and the three month extension fee discussed herein.
- [2] Reply
- [3] The Acknowledgement Receipt from May 8, 2008 showing that the RCE was successfully and electronically filed in a time frame that only required a one month extension fee.

**CONCLUSION**

In the event that any outstanding issues remain that would delay the acceptance and granting of this petition, the USPTO representative handling this matter is urged to contact the undersigned to telephonically discuss such outstanding issues.

Respectfully submitted,



Bryan A. Fuller, Reg. No. 58,065  
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Attorney for Applicant

OCT 14 2008

PTO/SE/64 (09-08)

Approved for use through 10/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
820233.02310

First named inventor: Edger A. O'Rear III, et al.

Application No.: 10/692,171

Art Unit: 1794

Filed: October 23, 2003

Examiner: Ahmed, Sheeba

Title: METHOD FOR MAKING AN ARTICLE WATER RESISTANT AND ARTICLES MADE THEREFROM

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☒ Small entity-fee \$ 810.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in  
the form of Request for Continued Examination (identify type of reply):

- ☒ has been filed previously on May 8, 2008
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (09-08)

Approved for use through 10/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Bryan A. Fuller  
Signature

10/14/08  
Date

Bryan A. Fuller

Typed or printed name

58,065

Registration Number, if applicable

Hail, Estill, Hardwick, Gable, Golden &amp; Nelson, PC

Address

405-553-2822

Telephone Number

100 N. Broadway, Suite 2900, Oklahoma City, OK 73102

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: PTO-2039**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

10/14/08  
Date

Bryan A. Fuller  
Signature

Bryan A. Fuller

Typed or printed name of person signing certificate



**Acknowledgement Receipt**




The USPTO has received your submission at **17:35:43** Eastern Time on **08-MAY-2008**.

\$ **555** fee paid by e-Filer via *RAM* with Confirmation Number: 2807.

**eFiled Application Information**

EFS ID	3276576
Application Number	10692171
Confirmation Number	8356
Title	Method for making an article water resistant and articles made therefrom
First Named Inventor	Edgar A. O'Rear
Customer Number or Correspondence Address	72766
Filed By	Bryan Allen Fuller/Jamie Debbaj
Attorney Docket Number	820233.02310
Filing Date	23-OCT-2003
Receipt Date	08-MAY-2008
Application Type	Utility under 35 USC 111 (a)

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
PTOSB30EFS.pdf	2	Request for Continued Examination (RCE)	1093763 bytes	 WARNINGS
This is not a USPTO supplied RCE SB30 form.				
RCE.pdf	12	Request for Continued Examination (RCE)	4600046 bytes	 WARNINGS
This is not a USPTO supplied RCE SB30 form.				
fee-info.pdf	2	Fee Worksheet (PTO-06)	8342 bytes	 PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

*If you need help:*

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*